

REMARKS

In an office action dated 3 September 2003, the Examiner rejects claims 1-16 and 33-48 (all pending claims). Applicant respectfully traverses the rejection. Claims 1-16 and 33-48 (all pending claims) remain in the application. In light of the following arguments, Applicant respectfully requests that the Application be allowed.

The Examiner rejects claims 1-16 and 33-48 under 35 USC §103(a) as being unpatentable over U.S. Patent Number 5,604,516 issued to Herrod et al. (Herrod) in view of U.S. Patent Number 6,507,864 B1 issued to Klien et al. (Klien). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id.

Amended claim 1 recites storing data from a bar code reader in an entity wherein said entity is a data object and storing identification information regarding the bar code reader of the data in the entity. Herrod does not teach storing the information in an entity that is a data object. Instead, Herrod teaches scan-ware that read custom property values from property files and configures a scanner interface based upon the property values. (See abstract). There is nothing in the Herrod that teaches the receiving of the data from a bar code reader and storing the information in an entity along with an identification of the bar code reader.

The Examiner states that the use of visual basic teaches this limitation. However, visual basic is a language that allows a user to easily program windows type GUIs. When using visual basic, predefined functions are used to generate the displays. The functions may associate a field or form on the GUI with input from the device. In visual basic, an object is used that receives the input from the particular device and put the input in the field. There is no need to identify which device provided the input because the object receiving the input was set to receive input from only one device. In claim 1, the object receiving the input may receive input from another device besides the bar code reader. Thus, it is important to identify the device providing the input so that the object receiving the input may determine which field may receive the input. This allows more than one device to provide input to a field of an object. Therefore, the use of visual basic does not teach the entity recited in claim 1.

Klien also does not teach storing the identification of a bar code reader and the data read by the reader in an entity that is a data object. Instead, Klien teaches a system that uses a data collection object to control data collection devices remote from a host device. See Abstract. See Also Col. 5, line 5- Col. 6, line 44. There is no mention in the entire Klien reference of manipulating data received from a collection device. Thus, the limitations of storing the identification of the object are not taught by Klien.

Since neither Herrod nor Citron teach the limitations of storing data and an identification of a bar code reader in data object, the combination of the two references does not teach the limitations. For this reason, the 35 U.S.C. §103 (a) rejection of claim 1 must be removed. Therefore, Applicant respectfully requests that the Examiner allow claim 1.

Applicants traverse the assertion by the Examiner that one would modify Herrod to use a data object based upon the teachings of Klien. Herrod teaches a system for manipulating data received from a bar code reader. Klien teaches a new method for controlling a remote device from a host machine by generating data objects that can transmit to the device. There is nothing in Klien that teaches nor suggests improving the transferring of data between software applications. The Examiner has merely taken Herrod teaching the transferring of data to a software application and combined it with Klien which teaches the use of data objects to control a bar code reader. Thus, the Examiner has used impermissible hindsight to make this modification. See *In re Vaeck* 947 F2d 488 (Fed, Cir. 1991). The Examiner merely found a piece of art that teaches the manipulation of data, Herrod, and a reference that uses data objects for another function, Klien, and combines them to make this invention. There is no reason to combine or modify the references based upon one another. Each reference performs a different function that is not even contemplated in the other reference. Herrod does not contain any teaching of controlling a bar code reader from a remote computer as taught in Klien and Klein contains no teaching of passing data received from a bar code reader as taught in Herrod. Thus, Applicants do not see how one skilled in the art reading one reference would not be pointed to the other to modify either device to perform the storing of data and an identifier in a data object to pass to another software application. For this reason, Applicants respectfully request that the rejection to claim 1 be removed for failing to provide a proper motivation to modify.

Claims 2-16 are dependent from claim 1. Thus, claims 2-16 are allowable for at least the same reasons as claim 1. Thus, the rejections to claims 2-16 must be removed. Therefore, Applicant respectfully request that claims 2-16 be allowed.


Claim 33 recites a device that performs the method of claim 1. Thus, claim 33 is allowable for at least the same reasons as amended claim 1. Thus, the rejection of claim 33 must be removed. Therefore, Applicants respectfully requests that claim 33 be allowed.

Claims 34-48 are dependent from claim 33. Thus, claims 34-48 are allowable for at least the same reasons as claim 33. Thus, the rejections to claims 34-48 must be removed. Therefore, Applicant respectfully request that claims 34-48 be allowed.

If the Examiner has any questions regarding this amendment or any other aspect of this application, the Examiner is respectfully requested to telephone the undersigned at 775-586-9500.

Respectfully submitted,  
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Dated: 3 Dec 2003

  
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